## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:10cr235

UNITED STATES OF AMERICA,	)	
	)	
	)	
Vs.	)	
	)	ORDER
BRIAN KEITH ROGERS,	)	
	)	
	)	
Defendant.	)	
	)	

THIS MATTER is before the court on defendant's pro se letter (#20) to the court in which he contends that he was "forced to plead to count two of my charges a [sawed-off] shotgun when the gun/shotgun I was charged with did not classify as such." The court will treat defendant's letter as a motion. Review of the docket reveals that defendant is represented by counsel in this matter. The Local Criminal Rules provide for disposition of this motion:

(H) Pro Se Motions Filed By Criminal Defendants Who Have Not Waived Their Right To Counsel. Except for challenges to the effective assistance of counsel, the Court will not ordinarily entertain a motion filed by a criminal defendant who is still represented by counsel and has not formally waived his or her right to counsel in the presence of a judicial officer after being fully advised of the consequences of waiver. Exceptions to this general rule may be made in the discretion of the judicial officer considering the pro se motion.

L.Cr.R. 47.1(H). The court will decline to exercise its discretion to consider the merits of such *pro se* motion pursuant to L.Cr.R. 47.1(H).

## **ORDER**

IT IS, THEREFORE, ORDERED that defendant's pro se pleading (#20) is deemed non-justiciable in accordance with L.Cr.R. 47.1(H).

Signed: October 31, 2011

Max O. Cogburn Jr. United States District Judge